

**CO-OPERATION DEPARTMENT**

The 5th October, 1981

No. 7080-CI-81/36105.—Shri Bhagwan Singh has qualified whereas S/Shri Hari Ram, Chanan Singh, Balbir Singh and S. K. Moudgil have failed to qualify the departmental examination of Assistant Registrar, Co-operative Societies in Accounts held in the month of June, 1981.

H. L. THUKRAL,

Under Secretary to Government Haryana,  
Cooperation Department.

**LABOUR DEPARTMENT**

The 19th August, 1981

No. 9(1)81-8Lab./9206.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. Bhiwani Textile Mills, Bhiwani :—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 106 of 1977

*between*

THE WORKMEN AND THE MANAGEMENT OF M/S BHIWANI TEXTILE MILLS,  
BHIWANI

*Present :—*

Shri S. R. Gupta, for the workman.

Shri B. R. Ghaiye, for the management.

**AWARD**

By order No. ID HSR-82-S-77/2481, dated 22nd July 1977 the Governor of Haryana referred the following disputes between the management of M/s. Bhiwani Textile Mills, Bhiwani and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

1. Whether the workmen are entitled to bonus at a higher rate than declared by the management for the year 1974-75? If so, with what details?
2. Whether the workmen working in Blow Koom Khata, Carding Khata, Ring Frame Deffers, Folling Khata, Weaving and winding, Sizing Dye and Presses House and Workshop and General Workers should be paid wages as are being given by M/s. Hissar Textile Spinning Mills, Hissar? If so, with what details and from which date?
3. Whether the wages of the Machine Folders should be enhanced? If so, with what details?
4. Whether work performed by Shri Hazari Lal s/o Shri Vasti Ram, Khadi Stemper is equivalent to that of Yard Stamper? If so, to what relief he is entitled to?
5. Whether the following Manders should be paid wages as are being paid to Begers? If so, with what details and from which date :—
  1. Shri Sri Ram, son of Shri Ram Chander.
  2. Shri Mahavir, son of Shri Nar Singh.
  3. Shri Narate Ram, son of Shri Jawala Prasad.
  4. Shri Sant Lal, son of Shri Ganeshi Lal.
  5. Shri Kishan Lal, son of Shri Chiranji Lal.
  6. Shri Shyam Lal, son of Shri Madan Lal.
  7. Shri Om Parkash, son of Shri Mohan Lal.
  8. Shri Mangloo, son of Shri Shiv Lal.
  9. Shri Hukam Chand, son of Shri Mela Ram.
  10. Shri Ram Kewar, son of Shri Banwari Lal.
  11. Shri Tara Chand, son of Shri Copal Dass.
  12. Shri Amar Chand, son of Shri Kedar Nath.
6. Whether the Pick Checkers should be paid wages equal to Stampers? If so, with what details?

7. Whether the D.A. paid to the workmen should be enhanced? If so, with what details and from which date?
8. Whether the Oilmen working in the spinning section should be paid wages equal to Ring Helpers? If so, with what details and from which date?
9. Whether Shri Dhanpat, son of Shri Ami Lal, Humidity Fitter Workshop should be paid at par with those paid to Humidity Fitters in T.I.T., Bhiwani? If so, with what details and from which date?
10. Whether the wages of Sweepers mentioned below should be increased? If so, with what details and from which date :—
  1. Shri Omi, son of Shri Myu.
  2. Shri Mahender, son of Shri Telu Ram.
  3. Shri Surja, son of Shri Telu Ram.
  4. Shri Ved Parkash, son of Shri Surja.
  5. Shri Sarwan, son of Shri Gurmukh.
  6. Shri Gaini, son of Bagha.
  7. Smt. Phulmati, daughter of Jawala.
  8. Smt. Santosh, wife of Shri Omi.
  9. Shri Devidayal, son of Shri Omi.
  10. Shri Mala, son of Shri Lathu.
  11. Shri Dharam Pal, son of Shri Makhan.
  12. Madan, son of Shri Jugala.
  13. Shri Imrat.
11. Whether the wages of workman in Bunta Khata should be increased? If so, with what details?
12. Whether the wages of Drabers and Richers should be revised? If so, with what details?
13. Whether the wages of working in Taren Loomes Folders should be paid wages equal to that of Cotton Bager Folders? If so, with what details and from which date?
14. Whether the termination of services of Jhawar, son of Shri Khuba Ram was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 27th February, 1978 :—

1. Whether disputes Nos. 2, 3, 5, 6, 10, 11, 12 and 13 are barred by a reference order dated 14th July, 1977?
2. Whether the demand for increasing wages is hit by settlements and awards as mentioned in para No. 2 of the preliminary objections?
3. Whether Textile Mazdoor Sangh represents substantial number of workmen? If not, whether the demands are espoused by a substantial number of workmen?
4. Whether dispute No. 7 is hit by prior settlements and awards as mentioned in para No. 5 of the preliminary objections.
5. Whether dispute No. 10 is hit by settlement dated 6th May, 1966 and whether that settlement is still in operation?
6. Whether the workmen are entitled to bonus at a higher rate than declared by the management for the year 1974-1975? If so, with what details?
7. Whether the workmen working in Bow Room Khata, Carding Khata Ring Frame Deffers, Folding Khata, Weaving and Winding Sizing Dye and Presses House and Workshop and General Workers should be paid wages as are being given by M/s Hissar Textile Spinning Mills, Hissar? If so, with what details and from which date?

8. Whether the wages of the Machine Folders should be enhanced? If so, with what details?
9. Whether work performed by Shri Hazari Lal, son of Shri Vasti Ram Khadi Stamper is equivalent to that yard stamper? If so, to what relief is he entitled to?
10. Whether the following Manders should be paid wages as are being paid to Baggers? If so, with what details and from which date?
  1. Shri Sri Ram, son of Shri Ram Chander.
  2. Shri Mahavir, son of Shri Nar Singh.
  3. Shri Narate Ram, son of Shri Jawaja Prasad.
  4. Shri Sant Lal, son of Shri Ganeshi Lal.
  5. Shri Kishan Lal, son of Shri Chiranji Lal.
  6. Shri Shyam Lal, son of Shri Madan Lal.
  7. Shri Om Parkash, son of Shri Mohan Lal.
  8. Shri Manglee, son of Shri Shiv Lal.

And issues No. 1 to 5 were treated as preliminary. Evidence was led by the parties on these issues. Arguments were heard. I now give my finding issueswise:—

*Issue No. 3:—*

Issue No 3 is taken first because it relates to the espousal of the demands. WW-1 Shri Durga Parshad workman stated that the demand notice dated the 13th September 1976 Ex. W-1 bear his signature. Other signatories also signed in his presence. Letter of authority was given in favour of the signatories of Ex. W-1. About 1500 workers had signed that authority which was filed with the conciliation Officer. The workmen had told their grievances regarding demands. Demands were raised at their initiative. In cross-examination he stated that they had no record regarding gate meetings, nor he remembers the date. Signatories were office bearers of the union but the authority was given to the signatories in individual capacity and not in the capacity of office bearers of the union. WW-2 Shri Hari Kishan workman stated that Ex. W-1 bear his signature. At that time there were about 2500 workmen in the factory. The workman had given letter of authority in favour of the signatories. Letter of authority was signed by more than 100 workers. It was produced before the Labour Officer in the conciliation proceedings. The management did not lead any evidence on this issue.

I find that the demand notice is signed by Shri Ganga Parshad, Sunhare Lal Verma, Ram Niwas Sharma and Hari Kishan Sharma. The Claim Statement is signed by Shri B. R. Secretary and rejoinder by Shri Ganga Parshad, Sunhari Lal and Parshotam. I find from the proceedings that Vastar Mazdoor Sangh made an application to be added as party because it was interested in some of the demands contained in the reference. This application was allowed. Later on Textile Mazdoor Sangh Lohar Bazaar Bhiwani made an application for adding as a party. The management did not object but the objection was made by the workmen but my predecessor overruled that objection. An application was made by Shri Bal Kishan Gupta of Vastar Mazdoor Sangh for shifting bonus of issue No. 3 upon the management which was declined by my learned predecessor and it was held that the bonus was rightly fixed upon the workmen. I also find from the record that the management made an application for direction to the workmen to produce membership register, minutes book of the working committee and records of election etc.

The learned representative for the workmen argued that the management was stopped from raising the plea of espousal as the matter was thrashed at the time of conciliation proceedings. He also argued that the management did not lead any evidence on this issue, therefore, issue may be treated as proved on the evidence of the workmen.

The learned representative for the management argued that they had taken objection to the espousal of the dispute and had also taken a plea that there was no representative character even if the dispute was referred by Textile Mazdoor Sangh.

I have gone through the contention of the parties and find that the demands were referred on the demand notice of four persons. It is into evidence that the authority was given to them in their individual capacity, therefore, it was not union which espoused the demands rather two unions i. e. Vastar Mazdoor Sangh of Shri B. L. Gupta, Textile Mazdoor Sangh through Shri S. R. Gupta were allowed to represent unions on their request by the court. The law on espousal is very clear on the point that espousal is to be seen at the time of raising the demands. The demands were raised by four persons named in the demand notice and espousal must be shown in their favour. The workmen have failed to produce any document showing espousal of demands by a resolution or any other means. As

regards non-production of evidence by the management on the espousal issue it is a settled law that the party on which the burden of proof lay could not take benefit from non-production of evidence by the opposite party. The burden of this issue was upon the workmen and they have failed to discharge that burden. This issue is, therefore, decided against the workmen.

The reference fails on this ground and I do not find any necessity in deciding other preliminary issues.

While answering the reference, I give my award that the reference fails on issue No. 3 and the workmen are not entitled to any relief in this reference. I order accordingly.

M. C. BHARDWAJ,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

Dated the 29th July, 1981.

Endorsement No. 721, dated : the 4th August, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

The 14th September, 1981

No. 9(1)-81-6Lab/10249.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. Thanesar Cooperative Marketing-Cum-Processing Society Ltd., Thanesar.

IN THE COURT OF SHRI HARI SINGH KAUSHIK PRESIDING OFFICER, LABOUR COURT,  
HARYANA, FARIDABAD

Reference No. 137 of 1981

between

SHRI RAM DHARI, WORKMAN AND THE RESPONDENT MANAGEMENT OF M/S THANESAR  
CO-OP MARKETING-CUM-PROCESSING SOCIETY LTD., THANESAR

*Present.—*

None, for the workman.

Shri Ved Parkash, for the respondent management.

#### AWARD

This reference No. 137 of 1981 has been referred to this court by the Hon'ble Governor of Haryana,— vide his order No. ID/Amb/22/81/17798, dated, 31st March, 1981 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Ram Dhari, workman and the respondent management of M/s. Thanesar Co-op Marketing-cum-Processing Society Ltd., Thanesar. The term of the reference was:—

Whether the termination of services of Shri Ram Dhari was justified and in order ? If not, to what relief is he entitled ?

After receiving this reference, notices were sent to the parties. On 20th September 1981, the date fixed in the case the representative of the respondent was present but none was present on behalf of the workman inspite of receiving the notice. It was already 2.15 P. M. The case was called thrice. The service of notice has been effected to the workman. I feel that the workman is not interested

to pursue his case and the reference is bad in law. So the case is dismissed in default. I give my award accordingly. No order as to costs.

HARI SINGH KAUSHIK,

Presiding Officer,  
Labour Court, Haryana,  
Faridabad.

Dated: the 1st September, 1981.

Endorsement No. 2666, dated 2nd September, 1981

Forwarded (four copies) to the Commissioner & Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947 with the request that the receipt of the above said award may please be acknowledge within week's time.

HARI SINGH KAUSHIK,

Presiding Officer,  
Labour Court, Haryana,  
Faridabad.

No. 9(1)81-6Lab/10252.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947, (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Ametee Machine Tools Ltd., 14/7, Mathura Road, Faridabad.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, FARIDABAD

Reference No. 316 of 1980

between

SHRI SHAYAM CHAND, WORKMAN AND THE MANAGEMENT OF M/S AMETEE MACHINE  
TOOLS PVT., LTD., 14/7, MATHURA ROAD, FARIDABAD

Present :

Shri S. R. Gupta and Shri Balbir Singh for the workman.

Shri K. P. Aggarwal, for the management.

#### AWARD

This reference No. 316 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/104-80/39566, dated 31st July, 1981 under Section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the disputes existing between Shri Shayam Chand workman and the management of M/s Ametee Machine Tools Pvt. Ltd., 14/7, Mathura Road, Faridabad. The term of the reference was:—

Whether the termination of services of Shri Shayam Chand was justified and in order? If not, to what relief is he entitled?

After receiving this reference notices were sent to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed on 27th October, 1980. The evidence of the parties have been recorded on 11th February, 1981 and 11th March, 1981 respectively and closed their cases. On 26th August, 1981 the case was fixed for arguments or settlement. When the representative of the management made a statement in this court that the workman had settled his case with the management and also received a sum of Rs. 1700 in full and final settlement. The copies of vouchers are Ex. M-1 and M-2. This statement was duly admitted by the representative of the workman. He further stated that he does not want to pursue this case and withdrawn the same.

In view of the above statements made by the parties. I hold that there is no dispute between the parties as the parties have settled their case. I give my award accordingly. No order as to costs.

HARI SINGH KAUSHIK,

Presiding Officer,  
Labour Court, Haryana, Faridabad.

Dated the 1st September, 1981,

Endorsement No. 2663, dated the 2nd September, 1981

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947 with the request that the receipt of the above said award may please be acknowledge within week's time.

HARI SINGH KAUSHIK,  
Presiding Officer,  
Labour Court, Haryana, Faridabad.

No. 9(1)81-6Lab/10254.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workmen and the management of M/s Sharco Industries Pvt. Ltd., Mathura Road, Faridabad.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, FARIDABAD

Reference No. 92 of 1981

between

SHRI K. S. SHARMA, WORKMAN AND THE MANAGEMENT OF M/S SHARCO INDUSTRIES,  
PVT. LTD., MATHURA ROAD, FARIDABAD

Present :—

Shri R. L. Sharma, for the workman.

Shri K. P. Aggarwal, for the management.

#### AWARD

This reference No. 92 of 1981 has been referred to this Court by the Hon'ble Governor of Haryana,— vide his order No. ID/FD/2/81/8524, dated 16th February, 1981 under Section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication of the disputes existing between Shri K. S. Sharma, workman and the management of M/s Sharco Industries, Pvt. Ltd., Mathura Road, Faridabad. The term of the reference was:—

Whether the termination of service of Shri K. S. Sharma was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference notices were sent to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed on 5th May, 1981. On 4th August, 1981 the representative of the management stated that the workman had settled his case and also filed copies of voucher amounting Rs. 1.612 which are mark A and B. On the other hand the representative of the workman made a statement that he does not want to pursue this reference because the workman had settled his case with the management. He further stated that he had withdrawn the same.

In view of the above statement of the parties, I hold that there is no dispute between the parties. I give my award accordingly. No order as to costs.

Dated the 1st September, 1981.

HARI SINGH KAUSHIK,  
Presiding Officer,  
Labour Court, Haryana, Faridabad.

Endorsement No. 2661, dated 2nd September, 1981.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the I. D. Act, 1947, with the request that the receipt of the above said award may please be acknowledge within week's time.

HARI SINGH KAUSHIK,  
Presiding Officer,  
Labour Court, Haryana, Faridabad.